

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

Form To Be Used By A Prisoner in Filing a Complaint  
Under the Civil Rights Act, 42 U.S.C. § 1983

United States District Court  
Southern District of Texas  
FILED

MAY 10 2016

FREDERICK BURRELL #02025787

Plaintiff's name and ID Number

TRAVIS COUNTY STATE JAIL, (AUSTIN, TX)

Place of Confinement

David J. Bradley, Clerk of Court

CASE NO: \_\_\_\_\_

(Clerk will assign the number)

v. BRAZOS COUNTY COURTS (CCL-1)

300 E. 26<sup>th</sup> ST., BRYAN, TX 77803; FAMILY LAW ASSOCIATE COURT

Defendant's name and address

HONORABLE Cindy Miller, 300 E. 26<sup>th</sup> ST. Bryan, TX

Defendant's name and address

BRAZOS CO. DISTRICT CLERK'S OFFICE  
Bryan, TX, MACE HAMLIN

Defendant's name and address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

**Your complaint is subject to dismissal unless it conforms to these instructions and this form.**

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of Texas prison units indicating the appropriate District Court, the Division and an address of the Divisional Clerks.

**FILING FEE AND IN FORMA PAUPERIS**

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth the information to establish your inability to prepay the fees and costs or give security therefore. You must also include a six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files and appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motions(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedures.

**I. PREVIOUS LAWSUITS:**

- A. Have you filed any other lawsuits in the state or federal court relating to imprisonment? \_\_\_\_\_ YES ☒ NO
- B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: \_\_\_\_\_
  2. Parties to previous lawsuit:  
Plaintiff(s): \_\_\_\_\_  
Defendant(s): \_\_\_\_\_
  3. Court (If federal, name the district; if state, name the county) \_\_\_\_\_
  4. Docket Number: \_\_\_\_\_
  5. Name of judge to whom case was assigned: \_\_\_\_\_
  6. Disposition: (Was the case dismissed, appealed, still pending?) \_\_\_\_\_
  7. Approximate date of disposition: \_\_\_\_\_

AUSTIN, TX

II. PLACE OF PRESENT CONFINEMENT: TRAVIS COUNTY STATE JAIL

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? \_\_\_\_\_ YES ☒ NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THE SUIT:

A. Name of address of plaintiff: FREDERICK BUDCELL, 8101 F.M. 969  
AUSTIN, TEXAS 78724 (TRAVIS STATE JAIL)

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: BRAZOS COUNTY COURT AT LAW (1)  
300 E. 26<sup>TH</sup> ST., BRYAN, TX 77803

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

DIDN'T HONOR MY COMMITMENT TO ATTEND HEARING  
 Defendant #2: HONORABLE CINDY L. MILLER, FAMILY LAW  
ASSOCIATE JUDGE, 300 E. 26<sup>TH</sup> ST., BRYAN, TX

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

DIDN'T ALLOW ME TO BE HEARD IN COURT  
 Defendant #3: BRAZOS COUNTY DISTRICT CLERK, 300 E. 26<sup>TH</sup> ST.  
RM - 1500, BRYAN, TX 77803

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

DIDN'T FORWARDED ANY DOCUMENTS FROM PLAINTIFF;  
 Defendant #4: \_\_\_\_\_

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Defendant #5: \_\_\_\_\_

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

**V. STATEMENT OF CLAIM:**

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal argument or cite any cases or statutes. If you intent to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

PLEASE SEE  
AFFIDAVIT OF FACTS

CONCERNING MY DIVORCE HEARING ON (12-17-14) I WAS INCARCERATED IN SAME COUNTY OF BRAZOS AT THE TIME, MY WIFE OPENLY LIED DURING THE HEARING, I HAD A FAMILY VIOLENCE CHARGE "PENDING" ONLY AT THE TIME, I HAVE KIDS WITH THEN WIFE (TIFFANY LYNN WALKER BURRELL) SHE USED THE FAMILY VIOLENCE CHARGE AS HER OUT-RIES, THIS BEING A WHITE FEMALE AND ME BEING A BLACK MAN, THE COURT HEARD ONLY HER SIDE, AND MY ONLY CONCERNS WERE MY KIDS, SHE LIED UNDER OATH, I WASN'T GIVEN THE OPPORTUNITY FOR A "DE NOVO HEARING..."

**VI. RELIEF:** State briefly exactly what you want the court to do for you. Make no legal arguments. Cite not cases or statutes.

COMPENSATE ME FOR PAIN AND SUFFERING, MENTAL ANGUISH IN VIOLATING MY CIVIL RIGHTS TO BE HEARD;

**VII. GENERAL BACKGROUND INFORMATION:**

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

FREDERICK EARL BURRELL, FREDERICK EARL BROWN

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if know to you.

#315210, #02025787

**VIII. SANCTIONS:**

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? \_\_\_\_ YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (If federal, give district and division): \_\_\_\_\_

2. Case Number: \_\_\_\_\_

3. Approximate date sanctions were imposed: \_\_\_\_\_

4. Have the sanctions been lifted or otherwise satisfied? \_\_\_\_ YES \_\_\_\_ NO

- C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_ YES ☒ NO
- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): \_\_\_\_\_
2. Case number: \_\_\_\_\_
3. Approximate date warning were imposed: \_\_\_\_\_

Executed on: 5/3/16  
(Date)

Frederick Buell  
(Printed Name)  
Frederick Buell  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachment thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assess by the Court, which shall be deducted in accordance with the law from the inmate account by my custodian until the filing fee is paid.

Signed this 3 day of May, 20 16.  
(Day) (Month) (Year)

Frederick Buell  
(Printed Name)  
Frederick Buell  
(Signature of Plaintiff)

**WARNING:** The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limbed to monetary sanctions and/or the dismissal of this action with prejudice.

" (1) "

AFFIDAVIT OF FACTS  
MAY 3, 2016

ON OR ABOUT OCT. 16, 2014, I RECEIVED A "NOTICE OF SETTING" FROM THE BRAZOS COUNTY COURT A LAW ONE (1) OF BRAZOS COUNTY, TEXAS CONCERNING MY THEN WIFE TIFFANY LYNN BURRELL, AND THE INTEREST OF FREDERICK BURRELL, III, FARAH BURRELL, FAZIAH BURRELL, AND FRANCESCA BURRELL MY "BIOLOGICAL" CHILDREN, I WAS GIVEN A SUMMON THAT IF I OBJECTED TO THE DATE AND TIME OF (12-17-14) I WAS TO SEND A WRITTEN OBJECTION THAT HAD TO BE DELIVERED TO THE COURT COORDINATOR WITHIN TEN (10) DAYS OF THE DATE THAT NOTICE WAS SENT, I FULLY COMPLIED BY SENDING MY REPLY THROUGH THE BRAZOS COUNTY DISTRICT CLERK'S OFFICE OF "MARC HAMLIN" THE CLERK OF THE COURT, THE COURT IGNORED MY REQUEST, BY NOT LETTING ME ATTEND SAID HEARING, I HAD A "FAMILY VIOLENCE" CHARGE ONLY "PENDING" AT THE TIME, THE COURT WOULD ONLY TAKE THE TESTIMONY OF MY WIFE THEN A "WHITE FEMALE", SINCE THIS WAS NOT ONLY THE "DIVORCE" BUT CUSTODY OF THE "CHILDREN" AT STAKE MY PRESENT'S WAS NEEDED, BECAUSE I HAD SERIOUS "ALLEGATIONS" CONCERNING ABUSE AND NEGLECT OF THE CHILDREN BY TIFFANY L. BURRELL; WHICH LATER PROVED TO BE CORRECT ON MY PART, BUT BY ME BEING A "AFRICAN AMERICAN" IT IS



(2)

OF MY OPINION THAT "RACE" PLAYED A FACTOR IN THIS JUDGMENT, BY VIOLATING MY "6<sup>TH</sup> AMENDMENT" HAVING THE RIGHT TO BE CONFRONTED WITH THE WITNESS AGAINST ME, AND VIOLATING MY "14<sup>TH</sup> AMENDMENT" DUE PROCESS OF LAW EQUAL PROTECTION LAWS; "I NEVER WANTED TO CONTEST THE DIVORCE STAGES ONLY THE CUSTODY AND CONSERVATORSHIP, POSSESSION AND ACCESS TO MY (CHILDREN)" NOW THE COURT HAVING GIVEN "TIFFANY LYNN WALKER BURRELL" SOLE CUSTODY OF THE CHILDREN, HAS CAUSED A GREAT DEAL OF CONCERN, BECAUSE SHE NEVER HAD CONTROL OF THE KIDS DUE TO DRUGS ETC... THE "COURT" IGNORED NUMEROUS DOCUMENT(S) THAT I FILED WITH THE DISTRICT CLERK CONCERNING THESE MATTERS, BUT THE FORM OF TOTAL "DISCRIMINATION" BY THE COURT CAUSE A GREAT DEAL OF PAIN AND SUFFERING AND MENTAL ANGUISH ON ME, HAD I HAD THE OPPORTUNITY TO BE HEARD OR EVEN ALLOWED THE REQUEST OF A "DE NOVO" HEARING, I MAY HAD, HAD THE OPPORTUNITY TO GET MY CHILDREN UNTIL I WAS RELEASED FROM INCARCERATION, "SHE DON'T HAVE THE KIDS NOW", A FRIEND OF MINE WHO DOES KNOW THEM

(3)

STUCK TRYING TO GET A TOTAL "MODIFICATION" OF THE Judge's Order AND GET child support Order: DISMISSED" AND ALLOW ME TO BE THE "CUSTODIAL - PARENT," SURE I WAS DISCRIMINATED AGAINST DO TO THE "COLOR OF MY SKIN" BEING THAT OF A BLACK-MAN. I SHOULD HAVE BEEN AFFORDED THE OPPORTUNITY TO BE HEARD IN COURT THE MORNING OF (DEC. 17, 2014) I WANT CUSTODY OF MY KIDS, SHE MY (WIFE) LIED THROUGH THE ENTIRE PROCESS OF THE DIVORCE PROCEEDING AND USED THE "FAMILY VIOLENCE CHARGE THAT WAS ONLY PENDING AT THE TIME AS HER "OUT-CLIES" KNOWING THAT PRESUMABLY THE COURT OR Judge Cindy L. Miller WOULD BELIEVE ANYTHING THIS "WHITE-FEMALE" WOULD SAY CONCERNING FREDERICK BURELL, BECAUSE I WAS RIGHT HERE IN JAIL, SHE TOTALLY AND HONESTLY USED THE SYSTEM TO "MANIPULATE" THE COURT AND THUS LEAVING ME VULNERABLE TO NO EXPOSURE TO JUSTICE, I SHOULD HAVE HAD THE MOMENT TO BE HEARD THAT DAY:

**TRAVIS STATE JAIL  
LAW LIBRARY**

Respectfully Submitted,

Frederick Burrell #02025787

TRAVIS STATE JAIL

B101 F. M. 969

AUSTIN, TX 78724



\_\_\_\_\_  
(Date)

Frederick Earl Burrell #2025781  
TRAVIS COUNTY STATE JAIL  
B101 F.M. 969-  
Austin, Tx 78724

United States District Court  
c/o Clerk of Court  
P.O. Box 61010  
Houston, Tx 77208

David J. Bradley, Clerk of Court

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